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U.S. DISTRICT COURT E.D.N.Y.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

★ JUL 29 2021 ★

**BROOKLYN OFFICE**

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GILEAD SCIENCES, INC. and GILEAD  
SCIENCES IRELAND UC,

Plaintiffs,

v.

SAFE CHAIN SOLUTIONS, LLC; PATRICK  
BOYD; CHARLES BOYD; WORLDWIDE  
PHARMA SALES GROUP, INC. d/b/a  
PHARMASALES.COM; ADAM S. BROSIUS;  
BOULEVARD 9229 LLC; and ISHBAY  
SHUKUROV,

Defendants.  
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Case No. 21-cv-4106 (AMD) (RER)

**FILED UNDER SEAL  
PURSUANT TO 15 U.S.C. § 1116(d)**

**STIPULATION AND [PROPOSED] ORDER  
ENTERING A PRELIMINARY INJUNCTION, CONFIRMING THE *EX PARTE*  
SEIZURES, AND RELEASING CERTAIN FUNDS FROM THE ASSET FREEZE  
AS TO THE SAFE CHAIN DEFENDANTS**

WHEREAS, on July 22, 2021, Plaintiffs Gilead Sciences, Inc. and Gilead Sciences Ireland UC (collectively, "Plaintiffs" or "Gilead") filed the above-captioned action against, *inter alia*, Defendants Safe Chain Solutions, LLC, Patrick Boyd, Charles Boyd, Worldwide Pharma Sales Group, Inc. d/b/a Pharmasales.com, and Adam S. Brosius (collectively, the "Safe Chain Defendants"), and sought a temporary restraining order, asset freeze order, and *ex parte* seizure against the Safe Chain Defendants;

WHEREAS, on July 23, 2021, the Honorable Rachel P. Kovner entered a temporary restraining order (Dkt. No. 17), asset freeze order (Dkt. No. 19), sealing order, and *ex parte* seizure order (Dkt. No. 18) against the Safe Chain Defendants;

WHEREAS, on July 26, 2021, Plaintiffs executed the Court's *ex parte* seizure order at the premises of the Safe Chain Defendants;

WHEREAS, in order to avoid the burden and expense of a preliminary injunction and seizure confirmation hearing, Plaintiffs and the Safe Chain Defendants wish to stipulate to a preliminary injunction without a bond, to modify the Court's asset freeze order, and to confirm the *ex parte* seizures;


NOW THEREFORE, UPON THE STIPULATION AND AGREEMENT by and between the undersigned counsel for Plaintiffs and counsel for the Safe Chain Defendants, it is hereby ORDERED that:

1. The Safe Chain Defendants and their principals, agents, officers, directors, members, servants, employees, successors, assigns, and all other persons in concert and participation with them pending the final hearing and determination of this action, are preliminarily enjoined from importing, purchasing, selling, distributing, marketing, or otherwise using in commerce in the United States any Gilead Products (as defined below), including authentic products, or assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in this paragraph.


2. The "Gilead Products" are defined as all products manufactured by or sold by Gilead or its subsidiaries in the United States, including but not limited to all products bearing anywhere any of the following trademarks (the "Gilead Marks"), whether on the product itself or any of its packaging:

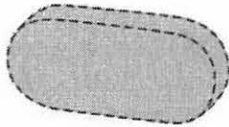
- Gilead's **GILEAD** trademark, which was registered on the Principal Register of the United States Patent and Trademark Office ("USPTO") on June 12, 2007, as U.S. Registration No. 3251595.

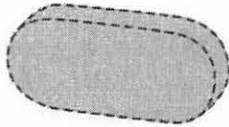


- Gilead's  trademark, which was registered on the Principal Register of the USPTO on December 3, 2002, as U.S. Registration No. 2656314.
- Gilead's **GSI** trademark, which was registered on the Principal Register of the USPTO on December 14, 2010, as U.S. Registration No. 3890252.
- Gilead's **BIKTARVY** trademark, which was registered on the Principal Register of the USPTO on November 28, 2017, as U.S. Registration No. 5344455.
- Gilead's **DESCOVY** trademark, which was registered on the Principal Register of the USPTO on December 29, 2015, as U.S. Registration No. 4876632.
- Gilead's **DESCOVY FOR PREP** trademark, which was registered on the Principal Register of the USPTO on November 19, 2019, as U.S. Registration No. 5912591.
- Gilead's **9883** trademark, which was registered on the Principal Register of the USPTO on May 15, 2018, as U.S. Registration No. 5467392.



- Gilead's  trademark, which was registered on the Principal Register of the USPTO on December 25, 2018, as U.S. Registration No. 5636131.



- Gilead's  trademark, which was registered on the Principal Register of the USPTO on November 12, 2019, as U.S. Registration No. 5906177.

3. Plaintiffs and the Safe Chain Defendants agree that, as among them, there are no issues to address at the hearing scheduled for August 5, 2021, with respect to the Order to Show Cause and/or the confirmation of the Seizure Order. The Safe Chain Defendants waive any and all rights they might have to a hearing to contest the issuance of a preliminary injunction and agree to the entry of a preliminary injunction as requested by Plaintiffs without a hearing as memorialized in this Stipulation.

4. Plaintiffs and their surety U.S. Specialty Insurance Company are released from any and all liability under Bond Number 1001160233 and any liability under or as a result of the seizure order signed by the Court in this case on July 23, 2021, or the execution thereof, and the seizure is hereby confirmed.

5. To the extent they have not done so, the Safe Chain Defendants agree to produce all documents and materials they are required to produce under the Seizure Order and the Temporary Restraining Order by the deadlines set forth in each respective order, including any products bearing any of the Gilead Marks that are or come into the possession of the Safe Chain Defendants. The procedure for reviewing and producing seized documents shall continue as set forth in the Seizure Order.

6. The Court's Asset Freeze Order (Dkt. No. 19) is hereby MODIFIED as follows:

- a. Any bank, brokerage house, or financial institution holding frozen assets under the Asset Freeze Order shall continue to hold such assets except as set forth in this Order.
- b. Counsel for Plaintiffs or the Safe Chain Defendants may immediately serve this Order upon the banks, brokerage houses, or financial institutions identified in the subparagraphs below.
- c. Upon service of this Order upon Univest Bank and Trust Co. ("Univest"), Univest shall create, if it has not already done so, a new, non-interest-bearing account (the "Equitable Trust Account") and shall transfer into the Equitable Trust Account \$1,500,000.00 of the frozen assets held in account ending in 9815 (account holder: Univest Bank & Trust Co. F/B/O Safe Chain Solutions,

LLC). Uninvest shall hold all funds in Equitable Trust Account in equitable trust, free of all liens and encumbrances, until further order of this Court.

- d. Once completed, Uninvest shall give written confirmation that it has complied with subparagraph c above to counsel for Plaintiffs at [gpotter@pbwt.com](mailto:gpotter@pbwt.com) and [CounterfeitHIVMedications@pbwt.com](mailto:CounterfeitHIVMedications@pbwt.com), and to counsel for the Safe Chain Defendants at [JDresser@frierlevitt.com](mailto:JDresser@frierlevitt.com) and [TMizeski@frierlevitt.com](mailto:TMizeski@frierlevitt.com). Counsel for Plaintiffs and counsel for the Safe Chain Defendants shall provide to Uninvest written acknowledgement of receipt of that notification. Once Uninvest receives such written acknowledgment from counsel for Plaintiffs and counsel for the Safe Chain Defendants, Uninvest shall unfreeze the accounts ending in 9815 (account holder: Uninvest Bank & Trust Co. F/B/O Safe Chain Solutions, LLC) and 9807 (account holder: Safe Chain Solutions, LLC).
- e. Upon service of this Order upon Bay Vanguard Bank, Bay Vanguard Bank shall immediately unfreeze the accounts ending in 9848, 1765, 8928, and 0961 (account holder: Charles Boyd).
- f. Upon service of this Order upon PNC Bank, PNC Bank shall immediately unfreeze the accounts ending in 1135, 3929, 2558, 2566, 2574, and 4459 (account holder: Patrick Boyd).
- g. Upon service of this Order upon Seacoast National Bank, Seacoast National Bank shall immediately unfreeze the account ending in 4952 (account holder: Adam Brosius).
- h. Except to the extent inconsistent with this Order, the provisions of the Court's Asset Freeze Order shall remain in effect.

7. Nothing in this stipulation shall constitute or be treated as an admission by any party, including an admission of any liability, wrongdoing, or violation of law. Plaintiffs and the Safe Chain Defendants do not waive and reserve all rights and remedies not specifically addressed herein.

8. Signatures transmitted electronically or by facsimile shall be deemed original.

Dated: July 29, 2021

Respectfully submitted,

 GEOFFREY POTTER ARON FISCHER TIMOTHY A. WATERS JOSHUA R. STEIN PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036-6710 Tel: (212) 336-2000 Fax: (212) 336-2222 <a href="mailto:gpotter@pbwt.com">gpotter@pbwt.com</a> <a href="mailto:afischer@pbwt.com">afischer@pbwt.com</a> <a href="mailto:twaters@pbwt.com">twaters@pbwt.com</a> <a href="mailto:jstein@pbwt.com">jstein@pbwt.com</a>  <i>Attorneys for Plaintiffs Gilead Sciences, Inc. and Gilead Sciences Ireland UC</i>	 TODD MIZESKI JESSE DRESSER LUCAS MORGAN FRIER LEVITT, LLC 84 Bloomfield Avenue Pine Brook, NJ 07058 (973) 618-1660 <a href="mailto:tmizeski@frierlevitt.com">tmizeski@frierlevitt.com</a> <a href="mailto:jdresser@frierlevitt.com">jdresser@frierlevitt.com</a> <a href="mailto:lmorgan@frierlevitt.com">lmorgan@frierlevitt.com</a>  <i>Attorneys for Defendants Safe Chain Solutions, LLC, Patrick Boyd, Charles Boyd, Worldwide Pharma Sales Group, Inc. d/b/a Pharmasales.com, and Adam S. Brosius</i>
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SO ORDERED

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Hon. Ann M. Donnelly

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2021, I served the foregoing upon the following:

Todd Mizeski  
Jesse Dresser  
Lucas Morgan  
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*Counsel for Defendants Safe Chain Solutions,  
LLC, Patrick Boyd, Charles Boyd, Worldwide  
Pharma Sales Group, Inc. d/b/a  
Pharmasales.com, and Adam S. Brosius*

/s/ Joshua R. Stein